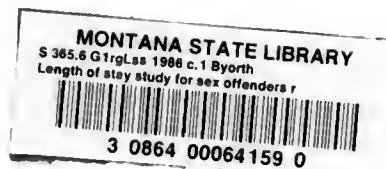


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LENGTH OF STAY STUDY FOR
SEX OFFENDERS RELEASED FROM MSP
1/1/86 - 5/26/88

A Report Prepared for the Criminal Justice and
Corrections Advisory Council

By Susan Byorth, Staff Researcher
June, 1988

This study is a profile of a sample of the sex offenders who were released from Montana State Prison from January 1, 1986 to May 26, 1988.

During this period, 68 inmates were released following incarceration for one of three sex offenses: sexual assault, sexual intercourse without consent, and deviate sexual conduct. For each offense the number of inmates released, the average sentence, the average prison term, and the length of stay is listed.¹ In addition, data on prior offenses, probation violators, status at release, and recidivism is provided.

SEXUAL ASSAULT

Twnty-five inmates were released after serving prison time for sexual assault (45-5-502, MCA). The average sentence was 8.44 years. The sentence sentences range from three years 15 years. Two 15-year sentences were also given under a previous statute R.C.M. 94-55-021. The average prison term was 5.32 years with the longest being 15 years and the shortest at one year. The average length of stay was 2.92 years. The longest

¹ The average sentence is the entire sentence given, the average prison term is the sentence given less any suspended sentence, and the length of stay is the actual time spent in prison.

PLEASE RETURN

length of stay was 5.59 years and the shortest was .51 years.

Three of the 25 inmates (12 percent) had been released on parole and returned to prison. They spent an average of 1.71 years in prison prior to parole, an average of 1.44 years out of prison prior to their return, and a total average of 5.7 years in prison.

Two of the 25 inmates (8 percent) were in on probation violations. The original sentences were three years suspended and five years suspended. Both were re-sentenced the entire sentence.

Four of the 25 inmates (16 percent) had prior convictions, all for property crimes, one received deferred sentence and the three were sentenced to prison.

Nine inmates (36 percent) were paroleed, 11 inmates (44 percent) after discharging their prison sentences were released to probation, four (16 percent) discharged their sentences, and there was one natural death (4 percent).

As of June 24, 1988, four of the 25 inmates (16 percent) released have returned to prison. Two inmates were returned for probation violations in an average of 0.52 of a year after release. One received a two-year 127 day sentence, and the other received a five-year sentence. Two of the inmates committed new crimes. One committed deliberate homicide after 0.27 of a year and received a 100 year sentence. The other was convicted of deviate sexual conduct after 0.48 of a year and received 15 years.

SEXUAL INTERCOURSE WITHOUT CONSENT

There were 34 inmates released after serving time in prison for sexual intercourse without consent (45-5-503, MCA). The average sentence was 14.67 years. The longest sentence was 30 years and the shortest was five years. One sentence of 50 years was given under the previous statute rape and related offenses (R.C.M. 94-410). The average prison term was 9.8 years with the longest term being 30 years and the shortest of two years. The average length of stay was 3.2 years, the longest was 12.01 years and the shortest was 0.07 years (this appears to be an exception and the next shortest was .82 years).

Five inmates (15 percent) had been released on parole and returned to prison. These inmates spent an average of 3.99 years in prison prior to parole, their stay at prison ranged from 0.98 to nine years. They spent an average of 2.74 years out of prison before returning. Their average total stay in prison was 5.7 years.

Two of the inmates (6 percent) were returned to prison probation violations with original sentences of 15 years with ten suspended and he received ten years and the other had a ten year suspended sentence and was given a ten year sentence with three suspended.

Seven of the 34 inmates (20 percent) had prior convictions. Six were convicted for property crimes of which three had received deferred sentences, two received suspended sentences, and one had received a prison sentence. One had a prior conviction of sexual intercourse without consent for which he had received a

deferred sentence of three years.

Eighteen inmates (53 percent) were released on parole. Ten (29 percent) discharged their prison sentence and were released to probation. Three (9 percent) discharged their entire sentence. One (3 percent) was released on a new court order, and one (3 percent) was released on bond (.07 length of stay). There was one natural death (3 percent).

Four of the 34 released (12 percent) were returned to prison by June 24, 1988. Two were returned for probation violations. One was out for 1.33 years before the violation and received a five year sentence and the other was out for 0.5 year before violation of probation and received a 10 year sentence. One was convicted of criminal mischief after 0.25 year and was given a 10 year sentence with three years deferred. The fourth was released and approximately 0.16 of a year after release has had charges filed against him on violent offenses including a sex offense.

DEVIATE SEXUAL CONDUCT

Six inmates were released after serving prison time for deviate sexual conduct (45-5-505, MCA). The average sentence was 8.8 years with a longest sentence of 20 years and a shortest of five years. The average prison term was 6.7 years with the longest being 20 years and the shortest 0.25 years (PV). The average length of stay was 2.44 years. The longest length of stay was 5.13 years and the shortest was 0.15 years.

One inmate (16 percent) was a probation violator who had

been given a five year suspended sentence and was given a five year sentence with four years and 270 days suspended for the violation. There was one inmate (16 percent) who had committed two property crimes and had been given a 10 year sentence with seven suspended.

Three inmates (50 percent) were paroled, two (33 percent) discharged their sentences and were released to probation and one (16 percent) completely discharged his sentence.

